

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Lamont Tarrance McGee,

Civil 07-4880 PJS/FLN

Plaintiff,

v.

O R D E R

Mark Uner and Steven McCarty,

Defendants.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated January 30, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's application for leave to proceed *in forma pauperis* [#2] is DENIED;
- and
2. This action is DISMISSED WITHOUT PREJUDICE.

DATED: February 21, 2008.

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge